

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GERALD OSCAR, Individually and On Behalf Of All
Others Similarly Situated,

Plaintiff,

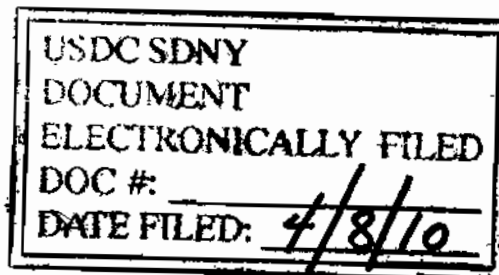
v.

BMW OF NORTH AMERICA, LLC,

Defendant.

Civil Action No. 09-CV-00011 (RJH)

ECF Case



REVISED ~~[PROPOSED]~~ JOINT SCHEDULING ORDER

Whereas, by Discovery Order (the "Order") dated June 5, 2009, amended in part by order dated December 4, 2009, the Court approved the discovery plan jointly submitted by Plaintiff Gerald Oscar ("Plaintiff") and Defendants BMW of North America, LLC ("BMW NA") and The Goodyear Tire and Rubber Company, Inc. ("Goodyear");

Whereas, by Order dated March 16, 2010, filed on March 17, 2010 the Court dismissed Goodyear from this Action and ordered that Plaintiff and BMW NA submit a revised joint scheduling order;

Whereas, Plaintiff and Defendant BMW NA, by and through their undersigned counsel, have met and conferred;

It is hereby STIPULATED and AGREED that Section B of the Order shall be amended as follows:

Proposed Case Management Plan.

i. Pending Motions [decided as of March 16, 2010]

BMW NA will file a motion to dismiss all claims except N.Y. G.B.L. § 349 and §350 claims, and to strike overbroad class allegations. Goodyear will file a motion to dismiss all claims. Completed.

ii. Proposed cut-off date for Joinder of Additional Parties: Completed.

iii. Proposed cut-off date for Amending Pleadings: Completed.

iv. Discovery Dates:

a. Rule 26(a)(1) Disclosures: Completed.

b. Submission of Protective Order Governing Confidential Disclosures: Completed.

c. Fact Discovery End Date: January 13, 2011

Class Certification Discovery End Date: Completed.

d. Rule 26(a)(2) [Expert] Disclosures:

Class Certification Expert Discovery – Complete by: August 13, 2010

1. Affirmative Class Cert. Experts Reports: May 28, 2010
2. Responsive Class Cert. Experts Reports: July 15, 2010
3. Class Cert. Experts Depositions Complete: August 13, 2010

Fact/Merits Experts Discovery- Complete by: April 21, 2011

4. Affirmative Merits Experts Reports: February 14, 2011
5. Responsive Merits Experts Reports: March 15, 2011
6. Merits Experts Depositions Complete by: April 21, 2011

v. Motion Filing Dates:

1. Class Certification Motion: August 30, 2010
Opposition: September 28, 2010
Reply: October 12, 2010

2. Dispositive/Summary Judgment: May 2, 2011

Opposition:
Reply

June 2, 2011
June 17, 2011

vi. **Final Pre-Trial Order:**

July 1, 2011

vii. **Trial Schedule:**

T/B/D

a. Jury Trial:

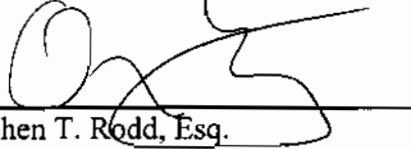
Plaintiff requested

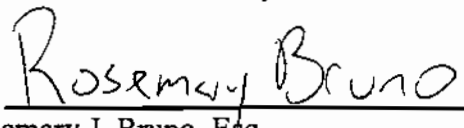
b. Probable length of trial:

t/b/d

c. When will case be trial ready:

July 2011

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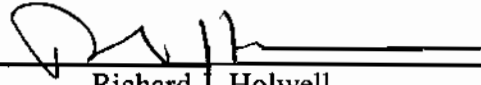
Date: April 2, 2010

April 2, 2010

*a hearing on the class certification
motion will be held on December 27
2010 at 11³⁰ AM*

SO ORDERED.

Dated: New York, New York
April 6, 2010


Richard J. Holwell
United States District Judge